Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

No. 79-1298

UNKNOWN NAMED CHILDREN UNBORN AND BORN ALIVE, and all others similarly situated
Petitioners

vs.

HAROLD H. GREENE, Judge, United States District Court for the District of Columbia
Respondent

MOTION FOR LEAVE TO FILE A PETITION FOR A WRIT OF HABEAS CORPUS, AND PETITION FOR A WRIT OF HABEAS CORPUS

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PETITION FOR A WRIT OF HABEAS CORPUS

OPINIONS BELOW

The courts below issued no opinions.

JURISDICTION

The judgment being attacked was entered by the District Court on June 25, 1979. Infra A 1.

Jurisdiction is conferred on this Court by 28 USC § 2241 or 28 USC § 1651(a).

WHY RELIEF IS SOUGHT IN THIS COURT

The Court of Appeals below was charged in this Court with complicity in criminal falsehood and criminal extermination, for its rulings on the Roe v Wade killings,and

it did not deny the charge, much less attempt to prove the charge to be false. Gaetano v United States Court of Appeals for the District of Columbia Circuit, motion for leave to file mandamus denied 58 L Ed 2d 339(1978).

QUESTIONS PRESENTED

1. For the 55th time, the Supreme Court is petitioned to overrule its 1973 abortion decision, Roe v Wade, 410 US 113. The grounds are that the decision is based on false evidence, and millions of lives have been exterminated in violation of the United States Constitution, and positive criminal statutes; the evidence shows that many Roe v Wade killings are murder in the first degree.

2. The petitioners also demand the overruling of United States v Vuitch, 402 US 62, and the case upon which it was founded, Doe v General Hospital in the District of Columbia, 140 App DC 149, 434 F.2d 423. The grounds being that the construction of the D.C. abortion statute therein was contrary to the intent of the lawmaker and results in the criminal extermination of the victims, including mass murder in the first degree.

3. It is alleged that the District Court's conduct has illegally restrained the victims' right to life in violation of the United States Constitution, and positive criminal statutes, including murder in the first degree.

CONSTITUTIONAL PROVISIONS INVOLVED

FIFTH AMENDMENT: "No person shall ... be deprived of life ... without due process of law."
FOURTEENTH AMENDMENT: "nor shall any State deprive any person of life ... without due process of law."
DECLARATION OF INDEPENDENCE: "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life ..."

"It is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence." Gulf, Colo. & S.Fe Ry v Ellis, 165 US 150, 159-160 (1897).

STATEMENT OF THE CASE

1. On June 6, 1979, counsel, and next friend, of the petitioners filed a petition for a writ of habeas corpus in the United States District Court for the District of Columbia. The petition demanded that the District Court suspend Roe v Wade, 410 US 113, and United States v Vuitch, 402 US 62, pending a full and fair hearing in the U.S. Supreme Court on the legality of the killings permitted by those cases.

2. The petitioners filed an EXHIBIT A, PART I, EXAMINATION OF ROE v WADE, to show that Roe v Wade was based on false evidence and millions of lives had been exter-

minated in violation of the United States Constitution.

This documentation showed that the Supreme Court made false assertions of fact in Roe v Wade that were indispensable to its conclusion; and the Supreme Court had condemned to death those victims whom the U.S. Constitution endeavors to preserve, and there does not appear to be any defense that will not amount to a claim that the Supreme Court is above the law.

3. The petitioners filed an EXHIBIT A PART II, EXAMINATION OF UNITED STATES v VUITCH. This documentation showed that in United States v Vuitch, 402 US 62, the Supreme Court construed the D.C. abortion statute, 22 D.C. Code 201, to effectively result in abortion on demand by another name. The documentation showed that this result was contrary to the intent of the lawmaker; and it showed that the Supreme Court had done this without any examination to see if the victims would be exterminated in violation of the U.S. Constitution. The documentation also showed that the Supreme Court asserted to legalize killings that were murder in the first degree, without any examination of the law of murder.

In short, the documentation showed United States v Vuitch to be a fraud that exterminated victims in violation of the U.S. Constitution, and positive criminal statutes, including murder in the first degree.

4. The petitioners filed a MEMORANDUM OF LAW ON ROE v WADE KILLINGS AS MURDER IN THE FIRST DEGREE. This documentation showed that many of the killings that Roe v Wade asserted to legalize were murder in 1868, when the Fourteenth Amendment was adopted, and absent a constitutional amendment, the killings are still murder.

The documentation showed that the Supreme Court asserted to legalize these murders without any examination whatever of the law of murder. It was a naked decree.The evidence showed that "The dagger of the assassin was concealed beneath the robe of the jurist."

5. The petitioners filed a MEMORANDUM OF LAW ON THE POTENTIAL CRIMINAL LIABILITY OF FEDERAL JUDGES WHO CLOSE THEIR EYES AND ENFORCE, PERMIT OR OMIT TO STOP ROE v WADE KILLINGS.

This documentation showed that lower federal courts have jurisdiction to suspend and stop a U.S. Supreme Court decision upon new evidence showing the case was wrongly decided and victims are being restrained of rights in violation of the Constitution and laws of the United States.

The documentation further showed that lower federal courts have indeed exercised this power to suspend a U.S. Supreme Court decision, and refused to obey it as law, pending a full and fair hearing in the U.S. Supreme Court.

The documentation further showed that the District Court not only had a legal

duty to stop the killings pending a full and fair hearing in the U.S. Supreme Court on the legality of the killings, but that the mere omission to stop the killings could make the District Court guilty of complicity in criminal extermination, including mass murder in the first degree, and subject it to the death sentence.

6. This documentation, supra para.5, especially described the procedures used by the U.S. Supreme Court to effect and maintain the Roe v Wade killings.

It noted that the Supreme Court had been petitioned 33 times to overrule Roe v Wade on the grounds presented in the petition for a writ of habeas corpus. It noted that 9 of the petitions had charged many of the Roe v Wade killings to be murder in the first degree. It showed that the Supreme Court has summarily refused to even listen to the complaints that victims were being criminally exterminated by Roe v Wade.

It noted that in Roe v Wade, the Supreme Court itself had found evidence to condemn the victims; that the Court had repeatedly refused to allow its evidence to be cross-examined; that other victims were condemned by naked decree; that the Court had repeatedly refused to allow counsel to represent the victims; and the Court had repeatedly refused to allow evidence to be presented on behalf of the victims to establish their right to life.

It noted that the Supreme Court had

nakedly decreed murder to be a constitutional right; and that in a case it decided on the merits, it refused to allow counsel to represent the victims and defend their right not to be murdered.

When judges presume to decree murder to be a constitutional right, and summarily refuse to even hear the facts, it can not be pretended that it is any longer the government of the United States, any government of Constitution and laws.

In this documentation, supra para.5 at p. 12: "It is alleged that the procedures alone condemn the Roe v Wade killings as unconstituional and criminal."

7. On June 22, 1979, Judge Greene endorsed on the face of the petition for a writ of habeas corpus, "Petition dismissed." Infra A1.

8. Judge Greene held no hearings of any kind. The dismissal was summary. Judge Greene wrote no opinion, nor gave any reasons for this dismissal.

9. Of course, had Judge Greene shown the documentation, para. 2-5, to be wrong, counsel would have instantly given up the charges. Counsel will not persist in charging federal judges with criminal falsehood and criminal extermination once the charges are shown to be false.

But Judge Greene would neither show the evidence to be wrong, nor obey it; rather Judge Greene chose to defy the evidence.

And Judge Greene knew that this would result in death to the victims.

Based upon the evidence, supra para. 2-5, the petitioners charge Judge Greene with complicity in criminal fraud and criminal extermination, including mass murder in the first degree.

REASONS FOR GRANTING THE WRIT

The evidence shows that the judges of the United States have combined to overthrow the United States Constitution, and establish a government by Judiciary, founded on fraud and murder.

I

It can not be contested that America was founded upon the principle that government derives its "just powers from the consent of the governed." This was adopted by the Continental Congress in the Declaration of Independence. While the Declaration may not be law in itself, it provides definitions by which the law is to be understood. Gulf, Colo. and S.Fe Ry v Ellis, 165 US 150, 159-160(1896).

The first sentence of the U.S. Constitution sets out this mother principle of democracies: "All legislative powers herein granted shall be vested in a Congress of the United States." Congress is elected by the people at regular elections, and thus, its laws are derived from the consent of the governed.

The Constitution itself was adopted by the people in convention. The Constitution is thus derived from the consent of the gov-

erned. And Article V of the Constitution provides the means for amending the Constitution, which likewise makes amendments be derived from the consent of the governed.

II

Under the U.S. Constitution's Article III, the federal judiciary is not elected by the people, and holds office during good behavior, in effect, for life.

The Constitution gives the judges no power to make laws. The lawmaking power, as admitted by the Supreme Court, is the power to make new rules for the future. Ross v Oregon, 227 US 150, 161 (1913).

While the judicial power does not admit to lawmaking, it has been decided that it does admit to determining the meaning of statutes, and the U.S. Constitution. Marbury v Madison, 1 Cranch 137(1803). But the Supreme Court has no power to make new laws under the guise of construction. Pillsbury v United Engineering, 342 US 197, 199.

The rules used by the courts to construe the meaning of the laws are founded in the principle that laws are derived from the consent of the governed. The purpose of construction is to determine the intent of the lawmaker.

Chief Justice John Marshall recognized this "consent of the governed" as the foundation of the rules that the courts must apply in construing the Constitution.

FIRST: The Constitution must be given the meaning "contemplated by its framers."

Ogden v Sanders, 12 Wheat. 212, 332(1827) (dissenting opinion).

SECOND: "(I)n no doubtful case would it pronounce a legislative act to be contrary to constitution." Dartmouth College v Woodward, 4 Wheat. 518, 625(1819).

The foundation under these two rules is too compelling to admit any doubt as to the truth of the two rules.

Since the legitimacy of the Constitution is derived from the consent of the governed, any true construction must give the Constitution the meaning intended by the people who framed and adopted it. The central question is: To what have the people consented. Any policy of construction that disregards the consent of the governed can not be lawful. And to what the people have consented is susceptible to proof by evidence which can be independently verified. Thus the security of a written Constitution.

The second rule is a necessary corollary of the first. The right of the people to govern themselves being so paramount, it takes careful and clear evidence to warrant a conclusion that, in the U.S. Constituiton, the people intended to withdraw from themselves the power to make their own laws on that subject. If, after review of the words of the Constitution, and the historical evidence concerning the meaning of those words, a reasonable doubt remains as to whether the makers of the Constitution intended to prohibit such a law, then

the law must stand as valid. The opinions of unelected officials holding office for life are not to be substituted for the judgments of the peoples' elected representatives unless the conflict between the law and the Constitution is clear.

The decisions of Chief Justice John Marshall are submitted as a faithful execution of these two principles of construction.

III

In his Farewell Address, Washington warned that the customary means of overthrowing constitutions was by usurpation:

> If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. 35 The Writings of George Washington 229(Fitzpatrick ed. 1949).

IV

The world does not want for examples of democratic constitutions overthrown by the process of usurpation.

Prior to World War II, the German Constitution was thought to be a model of democracy and freedom, "the most liberal and democratic document of its kind the twentieth century had seen," which declared "Political power emanates from the people." W.L. Shirer, The Rise and Fall of the Third Reich

88-89(Fawcett Crest paperback 1969). Hitler came to power "within the terms of the constitution." Id., at 255.

Thereafter, by usurpation, Hitler became the "supreme judge" of Germany. The Justice Case, 3 Trials of War Criminals before the Nuernberg Military Tribunals 1011 (1951). The decrees of this "supreme judge" were obeyed as law. The "supreme judge" presumed to decree murder to be lawful. And this "supreme judge" was unquestioningly obeyed by the Nazi judges.

At Nuremberg, the Nazi judges claimed the defense that they could not be held accountable for their crimes against humanity, including "extermination," because they were bound by the "decrees" of the "supreme judge" of Germany. The Justice Case, supra, 983-85,1010-1014. The Nuremberg court rejected that defense with the observation,"The dagger of the assassin was concealed beneath the robe of the jurist." The Justice Case, supra, at 985.

The whole constitutional system had been overthrown by usurpation.

V

The evidence shows that the judiciary of the United States has set upon a course of usurpation astonishingly similar to that traveled by the Nazi judicial system.

The judges of the United States came to power within the terms of the Constitution. The evidence shows that the judges routinely, as a matter of policy, defy the consent

of the governed, and effectively assert their will to be law. See, R. Berger, Government by Judiciary: The Transformation of the Fourteenth Amendment(1977). This book sets out evidence to show that the Supreme Court has generally construed the Fourteenth Amendment in defiance of the intent of its framers. Berger concludes, "Such conduct impels one to conclude that the Justices are become a law unto themselves." Id., at 408.

Furthermore, the evidence shows that the Supreme Court uses false evidence to defy the intent of the framers, and defiantly adheres to this false evidence year after year in the very teeth of challenges to the truthfulness of the Court's evidence. Supra para. 2.

The evidence shows that the Supreme Court has presumed to decree murder to be a constitutional right. Supra para. 4.

The evidence shows that when it comes to constitutional questions, truth has nothing to do with thefederal courts: the will of the judge has become the law.

And the evidence shows that the Supreme Court is being unquestioningly obeyed by the federal judiciary. All the judges below have effectively ruled that they are bound by Roe v Wade regardless of any claim that it was wrongly decided. The federal judiciary is willing to violate the express words of the U.S. Constitution, and positive criminal statutes, including mass murder in the first degree, without asking even a single ques-

tion, much less demanding any answers.

The evidence shows that in the courts of the United States, the will of the judge has replaced the consent of the governed as the basis of law. By any definition, this is the overthrow of the United States Constitution.

VI

The procedures used by the Supreme Court to effect and maintain the Roe v Wade killings deserve special attention.

The Nuremberg court, in outlining the case against the Nazi judicial system, noted that many victims were executed after trials which "did not approach even a semblance of fair trial":

> In many instances they were denied the right to introduce evidence, to be confronted by witnesses against them, or to present witnesses in their own behalf. They were... denied the right of counsel of their own choice, and occasionally denied the aid of any counsel. The Justice Case, supra, 1046.

The evidence, supra para. 5 at p. 13-18, shows that the Supreme Court has, in broad form, used these very procedures to effect and maintain the Roe v Wade killings: The Supreme Court itself produced evidence to condemn some victims to death; the Court condemned other victims to death without any evidence; the Court has repeatedly refused to allow its evidence to be cross-examined; the Court has repeatedly refused to allow counsel to represent the victims; and the Court has repeatedly refused to allow evi-

dence to be presented on behalf of the victims to establish their right to life.

When judges presume to decree murder to be a constitutional right, and refuse to even hear the facts, it can not be pretended that it is any longer the government of the United States,- any government of Constitution and laws.

Through Roe v Wade, the Supreme Court has asserted a second method for the government to condemn persons to death.

The first, set out in the Constitution, is by conviction by an impartial jury for violation of express laws enacted by the people and applicable to all in the state; with right of representation of counsel; and right to confront the accusing evidence and cross-examine it; and right to present evidence on behalf of the accused; and right to be acquitted unless found guilty beyond a reasonable doubt; and provision to stop execution if new evidence is discovered.

The second, set out in Roe v Wade, is for a Tribunal holding office for life (without assistance of counsel to defend the victims) to rule the victims out of the human race as inferiors, in violation of the very letter and spirit of the Constitution.

The evidence, supra, shows that the Supreme Court decreed murder to be a constitutional right, and there does not appear to be any defense that will not amount to a claim that the Supreme Court is above the law,- as Hitler was to Germany so the Supreme Court is to America.

If it be true, as Chief Justice John Marshall once held in Marbury v Madison, 1 Cranch 137, 163, 176, 178, that "government of laws, and not of men," founded in a "written constitution" deriving its just power from the "supreme" "authority" of "the people" is "the greatest improvement on political institutions," then the overthrow of that government of laws by lawless federal judges may be the most heinous crime in the history of political institutions.

Furthermore, the Declaration of Independence is perverted by the judges to effectively read that "all Men are created equal-equal,- except those created to die for the convenience of others."

> "Alas for you, lawyers ... hypocrites!
> You are like tombs covered with whitewash;
> they look well from the outside, but
> inside they are full of dead men's bones
> and all kinds of filth. So it is with you:
> outside you look like honest men, but
> inside you are brim-full of hypocrisy
> and crime." Matthew 23:27-29(New English Bible)

CONCLUSION

If it be true, as Jefferson once wrote, that America is an "experiment" to establish that "man may be governed by reason and truth," and that "truth and reason will eternally prevail, however in times and places they may be overbourne for a while by violence," then sooner or later all those judges who authorized or refused to stop the Roe v Wade killings can expect to be called

to account by the criminal law.

As Chief Justice John Marshall wrote, for federal judges to "swear" to discharge their duties "agreeably to the constitution," and then "close their eyes on the constitution" and "condemn to death those victims whom the constitution endeavors to preserve," is worse than "solemn mockery," it is a "crime." Marbury v Madison, supra, at 179-180. The criminal law will not permit the "dagger of the assassin" to be "concealed beneath to robe of the jurist."

Based upon the evidence, supra pp. 3-6, and the procedures, supra, the petitioners charge the Supreme Court with criminal falsehood and criminal extermination, including mass murder in the first degree.

If the United States were being ruled over by a Tribunal of murderers holding office for life, and being blindly obeyed by all federal judges who violate the express words of the Constitution and positive criminal statutes, including mass murder in the first degree, without question, then surely it would be a fraud without parallel in the legal history of the world, and tantamount to the overthrow of the United States Constitution.

Alan Ernest
Counsel for Petitioners

APPENDIX

Order of the District Court

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNKNOWN NAMED CHILDREN UNBORN
AND BORN ALIVE, and all others
similarly situated,
Petitioners

vs.

Civil Action
No. 79-1476

EARL J. SILBERT, United States
Attorney for the District of
Columbia;
GRIFFIN B. BELL, Attorney General
of the United States,
Respondents

PETITION FOR A WRIT OF HABEAS CORPUS

[The face of the petition for a writ of habeas corpus was endorsed by U.S. District Judge Harold H. Greene as follows: "Petition dismissed" /s/ "Harold H. Greene, Judge,June 22, 1979."]

[The petition was stamped by the Cerk's office: "FILED Jun 25 1979 James F. Davey, Clerk"]